

SILVERMANACAMPORA LLP

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as Trustee of the Dowling College Unsecured Creditor Trust
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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re:

Chapter 11

DOWLING COLLEGE f/d/b/a DOWLING
INSTITUTE f/d/b/a DOWLING COLLEGE
ALUMNI ASSOCIATION f/d/b/a CECOM
a/k/a DOWLING COLLEGE, INC.

Case No. 16-75545 (REG)

Post-Confirmation Debtor.

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**UNSECURED CREDITOR TRUSTEE'S RESPONSE
TO SUA SPONTE ORDER TO SHOW CAUSE WITH INJUNCTION**

Ronald J. Friedman, Esq. (the "**Trustee**"), as Trustee for the Dowling College Unsecured Creditor Trust (the "**Trust**"), hereby submits his response to the Court's *Sua Sponte Order to Show Cause with Injunction* (ECF Doc. No. 704) (the "**OSC**"), and respectfully sets forth and represents as follows:

BACKGROUND

1. On November 28, 2016 (the "**Petition Date**"), Dowling College f/d/b/a Dowling Institute f/d/b/a Dowling College Alumni Association f/d/b/a Cecom a/k/a Dowling College, Inc. (the "**Debtor**") filed a voluntary petition under chapter 11 of the Bankruptcy Code in this Court.
2. On December 9, 2016, the Office of the U.S. Trustee filed a *Notice of Appointment of Creditors' Committee* (ECF Doc. No. 85) appointing Ultimate Power Inc., Linda Ardito, and Lori Zaikowski to the Committee. The Committee selected Applicant as its counsel, and Applicant's retention was approved by the Court on February 17, 2017 (ECF Doc. No. 206).

3. By Order dated December 20, 2019 (ECF Doc. No. 662), the Court confirmed the Debtor's amended plan of liquidation, as modified (the "**Plan**"). On January 14, 2019, the Plan went effective.

4. Among other things, the Plan provides for the creation of the Trust, which is vested with all of the Debtor's Causes of Action (as defined in the Plan).

THE ORDER TO SHOW CAUSE

5. On April 8, 2019, the Court, *sua sponte*, entered the OSC, directing the Trustee to show cause why he should not be "enjoined from proceeding with mediation and/or arbitration on the Accountant Claims."

6. The Trustee welcomes the opportunity to address any concerns the Court may have with respect to the Causes of Action, the Plan, or the Trust at the hearing on the OSC. However, the Trustee is reticent to discuss, in a publicly filed pleading, the Trust's litigation strategy, attorney-client conversations, or any related topics which may compromise the Trust's ability to maximize recovery for the Trust.

WHEREFORE, the Trustee respectfully requests that the Court enter an order (i) canceling the injunction provided for in the OSC, and (ii) granting such further relief as this Court may deem just and proper.

Dated: Jericho, New York
April 11, 2018

SILVERMANACAMPORA LLP
Counsel to the Trustee

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